

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated December 31, 2008, (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 112, first paragraph, rejection because the specification discloses the identified, claimed subject matter. The Office Action asserts that the specification does not disclose “changing the lock state when the detected selection order differs from a determined user specific inter-object internal order”. However, at least paragraphs [0004], [0005], and [0018] teach that the lock state is changed “when the detected object selection order is at least sufficiently close to [but differs from] a given user-specific inter-object internal order”. Paragraph [0018] explicitly discloses that “the detected object selection order does not necessarily have to be exactly the same as the determined user-specific inter-object internal order”. Thus, the original specification clearly teaches that a lock state may be changed when a detected selection order differs from a determined user-specific order. Applicant accordingly requests that the rejection be withdrawn.

Applicant also respectfully traverses the § 101 rejection because the claimed invention is directed to a practical application that produces a useful, concrete, and tangible result. Specifically, the claimed invention results in a lock state changing, *e.g.*, a lock becoming locked or un-locked, which is a practical application and a useful, concrete, and tangible result. The assertion that “any detection of any selection to change the lock state” is incorrect. The claims recite that the lock state is changed only when the detected selection order differs by a predetermined parameter from a determined user-specific inter-object internal order. Thus, “any detected selection” would not cause the lock state to be changed. The detected selection can only differ by a predetermined parameter to effect a change of the lock state. In an effort to more clearly characterize these limitations, the phrase “by a predetermined parameter” has been moved in each of the independent claims to follow the term “differs”. These changes do not add new matter nor are believed to affect the scope of the claims; therefore, the claims are believed to be patentable with, or without, the changes as set forth herein. Contrary to the assertions at page three, the claimed invention is directed to a practical application (use of a

lock) and produces a useful, concrete, and tangible result (changing the lock state). Applicant accordingly requests that the rejection be withdrawn.

Applicant respectfully maintains the traversal of the § 102(e) rejection based solely upon the teachings of Narayanaswami because Narayanaswami fails to teach or suggest each of the claimed limitations. Specifically, Narayanaswami fails to teach changing a lock state when a detected selection order differs from a determined user-specific inter-object internal order by a predetermined parameter, as claimed in each of the independent claims. While Narayanaswami is directed to validating a password by verifying a selection order, Narayanaswami requires that the selection order correspond to the password (*see, e.g.*, Abstract). If the selection order differs from the stored password, access is denied (Col. 9, lines 56-59 and Col. 9, line 66 – Col. 10, line 5). Moreover, the cited portion at column nine makes no mention of a selection order differing from a determined order, and instead requires that the “right touch sequence” be detected. Thus, Narayanaswami does not correspond to the limitations directed to changing a lock state when a detected selection order differs from the determined user-specific inter-object internal order. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper.

In order to anticipate a claim, the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit also recently held that “Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” (*Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 2008 WL 4614511 (Fed. Cir. 2008) quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Narayanaswami does not teach every element of independent Claims 1, 11, and 23 in the requisite detail, and therefore fails to anticipate Claims 1-25.

Dependent Claims 2-10, 12-22, 24, and 25 depend from independent Claims 1, 11, and 23, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Narayanaswami. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-10, 12-22, 24, and 25 is improper, and Applicant requests that the rejection be withdrawn.

With particular respect to the rejection of Claims 5 and 16, Applicant further traverses because Narayanaswami has not been shown to teach the claimed limitations. Specifically, no portion of Narayanaswami has been identified that teaches changing a determined user-specific inter-object internal order. In contrast, Narayanaswami teaches the use of a set password, and the cited portion at column nine refers only to comparing received signals with the set password to verify entry of the password. There is no discussion that such password would be changed or that it would be changed when a detected object selection order is within a predetermined parameter of the determined user-specific inter-object internal order. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of Claims 6 and 17, Applicant further traverses because Narayanaswami has not been shown to teach using learning algorithms or intelligent networks to change a determined user-specific inter-object internal order. In contrast, Narayanaswami teaches the use of a set password. There is no discussion that such password would be changed using learning algorithms or intelligent networks. The assertion that the right graphics display is evenly distributed is unrelated to changing a user-specific inter-object internal order. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.014.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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